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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,505	07/23/2003	Patrick Jeandel	240696US6	7402
22850	7590	03/23/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BRITTAINE, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/624,505	JEANDEL, PATRICK	
	<b>Examiner</b>	<b>Art Unit</b>	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 5-10 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 4,11 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05042004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

***Election/Restriction***

Applicant's election with traverse of Group I in the reply filed on December 22, 2004 is acknowledged. The traversal is on the ground(s) that there is no burden to search both inventions together and that the step of integrally molding the strips around the rod in a folded condition while being a molding step is not a process. This is not found persuasive because the argument that there is no burden can always be made and is unpersuasive because the separate classification is indicative of the Office having established that the article structure comprising a zipper is patentably distinct from the method of assembling a zipper and supports two separate areas in the Office for classification because the searches are different and substantial. The argument that the step of integrally molding the strips around the rod in a folded condition while being a molding step is not a process is not agreed with. Added steps can obviously be provided such as providing molds having a shape of the finished folded strips, inserting the rods in the molds, injecting molten resin in the molds, cooling the molds, separating the molds and thereby forming the finished article.

The requirement is still deemed proper and is therefore made FINAL.

Claims 5-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 22, 2004.

***Specification Objections***

The abstract is objected to because it refers to figure 2 in the last line and improperly utilizes the legal term "said" (lines 9, 11, 15). The abstract should be a summary of the technical disclosure and not a summary of the invention. Additionally, the title should not be the first sentence of the abstract. Correction is required.

*Claim Objections*

Claims 11 and 12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and not make reference to two sets of claims to different features. See MPEP §608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP §608.01(n). Accordingly, the claim has not been further treated on the merits.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson (US 1891989) in view of Andler (US 2368911).

Johnson (figures 1, 2, 4) teaches a zipper for joining two strips comprising two rows of teeth 4 able to engage with each other mutually under the action of a slider and applied respectively to one of the edges of each of the said two strips, the material of at least one of the

two strips being of the leather (page 1, lines 35-40), characterized in that the said strip is formed by a piece folded in two, in that the area forming a fold is filled with a material of chosen thickness as shown by the central area of the beaded edge 11 surrounded by the folded leather having a different cross-hatching than the leather and in that the teeth are applied at least partially around the said fold area thus filled. The difference is that while material is placed within the folded portion of the leather strips so as to form the beaded edge 11, it is not stated that the material is a rod. However, a beaded edge is commonly formed by a beading cord and Andler (figures 4, 5) is evidence of the well known use of a beading cord 22 acting as a rod to form the beaded edge in the folded tapes that are adhesively secured together so as to quickly form a secure beaded edge (page 2, col. 1, lines 18-47). As it would be beneficial in the construction of Johnson to quickly form the beaded edge, it would have been obvious to utilize a beaded cord as a rod to form the beaded edge as taught by Andler to be useful to quickly form the beaded edge in conjunction with adhesively securing the folded strips together.

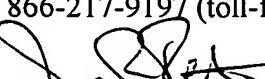
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB